

Notice of Allowability

Application No.

09/874,195

Applicant(s)

CHRISTENSEN ET AL.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment with RCE filed 3/2/05.
2. ☒ The allowed claim(s) is/are 1,2,4,6-11,15-18,20-22,25-28,30-32 and 35-54.
3. ☒ The drawings filed on 05 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/5/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Greeley on 5/26/05.

The application has been amended as follows:

Claim 15, line 3, "operatively coupled to" has been deleted; -- having – has been inserted in its place.

Claim 43, lines 3-4, "operatively coupled to" has been deleted; -- having – has been inserted in its place.

The following is an examiner's statement of reasons for allowance:

With respect to **Junger (US Patent number 6,085,172)** the primary reason for the allowance of the claims is the inclusion of the both a locally stored return policy and remotely located return policy. The Junger reference contains one or the other but not both.

A further reason for allowance of the claims is the inclusion of the locally stored return policy "advising" about the "likely return status". Examiner notes that the local policy does not provide customer with any authority to return the item, as the customer is further required to acquire a definitive answer from the remotely stored return policy before an item can be

Art Unit: 3627

returned. As the locally stored policy of the present invention provides no authority, Examiner finds no motivation to modify the Junger reference to include such a limitation.

With respect to **Williams et al. (US Publication number 2002/0032612)** the primary reason for the allowance of the claims is the inclusion of the both a locally stored return policy and remotely located return policy. The Williams et al. reference contains only a remotely stored policy, hosted with and connected to the merchant's web site

A further reason for allowance of the claims is the inclusion of the locally stored return policy "advising" about the "likely return status". Examiner notes that the local policy does not provide customer with any authority to return the item, as the customer is further required to acquire a definitive answer from the remotely stored return policy before an item can be returned. As the locally stored policy of the present invention provides no authority, Examiner finds no motivation to modify the Williams et al. reference to include such a limitation.

With respect to **Grant (USA Today article *Internet has become integral part of everyday life*)** the primary reason for the allowance of the claims is the inclusion of the both a locally stored return policy and remotely located return policy. Grant teaches contacting a company to have an item picked up and returned and a method of returning an item bought on line returned to a brick and mortar store. Neither method includes a locally stored return policy.

A further reason for allowance of the claims is the inclusion of the locally stored return policy "advising" about the "likely return status". Examiner notes that the local policy does not provide customer with any authority to return the item, as the customer is further required to

Art Unit: 3627

acquire a definitive answer from the remotely stored return policy before an item can be returned. As the locally stored policy of the present invention provides no authority, Examiner finds no motivation to modify the Grant reference to include such a limitation.

With respect to Dejaeger (EP 999510 A2 000510) the primary reason for the allowance of the claims is the inclusion of the both a locally stored return policy and remotely located return policy. Dejaeger teaches either a locally stored policy (e.g. in a kiosk) or a remote policy (central computer) but not both.

A further reason for allowance of the claims is the inclusion of the locally stored return policy "advising" about the "likely return status". Examiner notes that the local policy does not provide customer with any authority to return the item, as the customer is further required to acquire a definitive answer from the remotely stored return policy before an item can be returned. As the locally stored policy of the present invention provides no authority, Examiner finds no motivation to modify the Dejaeger reference to include such a limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783.

The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
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Art Unit 3627

jak

 5/25/05

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